

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DADE DIVISION

CASE NO. 1:23-cv-22545-RNS

ALEJANDRO ESPINOZA
Plaintiff,

vs.

NAUTICA RETAIL USA LLC et al.
a Foreign for-profit corporation

Defendant.

**PLAINTIFF COUNSEL’S VERIFIED CERTIFICATE OF COUNSEL REGARDING
PRIOR FILINGS UNDER THE AMERICANS WITH DISABILITIES ACT**

ALEJANDRO ESPINOZA, by and through undersigned counsel, hereby files this Verified Certificate of Counsel Regarding Prior Filings Under the Americans With Disabilities Act per the Court’s July 11, 2023 Order requiring same [D.E. 4]. As officers of the Court and attorneys for Plaintiff, the undersigned counsel hereby verify the following:

1. This is an action, among other claims, for declaratory and injunctive relief pursuant to Title III of the Americans With Disabilities Act, 42 U.S.C. §§12181-12189 (“ADA”), as amended, and 28 C.F.R. Part 36, to prevent disability discrimination and allow equal access to Defendant’s internet website by a visually disabled Plaintiff.
2. Prior to filing this lawsuit, the undersigned attorneys for the Plaintiff conducted a search of case filings in the records of the Clerk of the United States District Court for the Southern District of Florida and have concluded that the following cases filed naming NAUTICA RETAIL USA LLC and VF Corporation LLC DBA Kipling alleging public accommodation

violations of the ADA relating to websites have been filed in the Southern District of Florida:

<u>1:20-cv-22353-MGC</u>	Mahlberg v. Nautica Retail USA LLC et al	filed 06/08/20	closed 12/23/20	446(Civil Rights: Americans with Disabilities - Other)
<u>1:23-cv-22174-KMW</u>	Espinoza v. Nautica Retail USA LLC	filed 06/12/23	closed 07/09/23	446(Civil Rights: Americans with Disabilities - Other)

3. Undersigned has made an effort to reach out to the attorneys of these cases but has not been able to review previous settlements or remediation plans.
4. There have been no efforts by the undersigned attorneys requesting that Defendant make its website compliant with the ADA.
5. The property of Defendant that the Plaintiff visited in connection with his ADA claims was and is Defendant's website.
6. Plaintiff made the visits to the Defendant's website on several dates in June and July, 2023 where specific barriers to Plaintiff's access to the website were found, and documented by the Plaintiff's forensic computer expert.

Dated: July 27, 2023

Mendez Law Offices, PLLC
Attorneys for Plaintiff
P.O. BOX 228630
Miami, Florida 33172
Telephone: 305.264.9090
Facsimile: 1-305.809.8474
Email: info@mendezlawoffices.com
By: /s/
DIEGO GERMAN MENDEZ, ESQ.
FL BAR NO.: 52748